

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

IOU CENTRAL, INC.
d/b/a IOU FINANCIAL, INC

Plaintiff,

vs.

CASE NO. 5:19-00460-TES

SWAN CONSULTING, INC.,
AMANDA C. NICOLSON,
A/K/A AMANDA NICOLSON ADAMS
A/K/A AMANDA ADAMS NICOLSON,
MIKE ELLIS, SARAH ELLIS

Defendants.

ORDER TRANSFERRING CASE AND DENYING MOTION

Plaintiff IOU Central, Inc., filed this action to recover sums allegedly owed by the Defendants on a promissory note and accompanying guaranty. [Doc. 1]. Defendants Swan and Nicholson filed a Motion to Dismiss [Doc. 7] after being served with process on December 4, 2019. [Doc. 10]; [Doc. 11]. The Motion seeks dismissal of Plaintiff’s Complaint based upon alleged improper venue, contending that Plaintiff’s principal place of business is located in Cobb County, Georgia, in the Northern District of Georgia.

The Court takes judicial notice that Cobb County, Georgia is located wholly within the Atlanta Division of the Northern District of Georgia. 28 U.S.C. § 90(a)(2). The relevant venue provisions state that “[a] civil action may be brought in . . . a judicial district in which any defendant resides, if all defendants are residents of the State in which the district is located,” or in “a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred.” 28 U.S.C. § 1391(b)(1)(2). Plaintiff contends that the case should be transferred to the Northern District of Georgia, and not dismissed.

Therefore, the Northern District of Georgia is the proper venue for this cause of action, not the Middle District. Instead of dismissing this action, the Court may, in the interest of justice, transfer the case under 28 U.S.C. § 1406 to the Court “in which it could have been brought.” 28 U.S.C. § 1406(a). Accordingly, the Court **DIRECTS** the Clerk of the Court to **TRANSFER** this action to the United States District Court for the Northern District of Georgia, Atlanta Division. The Defendants’ Motion is otherwise denied.

SO ORDERED, this 2nd day of January, 2020.

S/ Tilman E. Self, III

TILMAN E. SELF, III, JUDGE
UNITED STATES DISTRICT COURT